

JUL 20 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOEL RODRIGUEZ,

Defendant - Appellant.

No. 07-50551

D.C. No. CR-06-00030-VAP-3

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Virginia A. Phillips, District Judge, Presiding

Submitted June 16, 2009**

San Francisco, California

Before: PAEZ, TALLMAN and N.R. SMITH, Circuit Judges.

Joel Rodriguez appeals from the 120-month sentence imposed following his guilty-plea conviction for conspiracy to possess with intent to distribute

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

methamphetamine, in violation of 21 U.S.C. § 846.

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Rodriguez's counsel has filed a brief stating there are no arguable grounds for relief, along with a motion to withdraw as counsel of record. The appellant has filed a pro se supplemental brief.

Our independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 80-81 (1988), discloses no arguable grounds for relief on direct appeal.

Counsel's motion to withdraw is **GRANTED**, the Government's motion to file an untimely answering brief is **DENIED** as moot, and the district court's judgment is **AFFIRMED**.